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**STATE OF IOWA**

# **Senate Journal**

**TUESDAY, FEBRUARY 7, 2012**

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## JOURNAL OF THE SENATE

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THIRTIETH CALENDAR DAY  
EIGHTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 7, 2012

The Senate met in regular session at 9:01 a.m., President Kibbie presiding.

Prayer was offered by Pastor Ron Burcham of Gloria Dei Lutheran Church in Urbandale, Iowa. He was the guest of Senator Zaun.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Peggy Osmundson.

The Journal of Monday, February 6, 2012, was approved.

The Senate stood at ease at 9:08 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:32 a.m., President Kibbie presiding.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Greiner, until she arrives, on request of Senator Behn.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2114 and 2115.

### Senate File 2114

On motion of Senator Quirmbach, [Senate File 2114](#), a bill for an act relating to establishment of the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions, was taken up for consideration.

Senator Quirmbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2114](#)), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Nays, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Absent, 1:

Greiner

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### Senate File 2115

On motion of Senator Quirmbach, [Senate File 2115](#), a bill for an act relating to establishment of the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions, was taken up for consideration.

Senator Quirnbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 2115](#)), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 23:

Anderson	Chelgren	Houser	Smith
Bacon	Dix	Johnson	Sorenson
Bartz	Ernst	Kapucian	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Hahn	McKinley	Zaun
Boettger	Hamerlinck	Seymour	

Absent, 1:

Greiner

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2114** and **2115** be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:56 a.m. until 9:00 a.m., Wednesday, February 8, 2012.

## APPENDIX

### COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

#### DEPARTMENT OF HUMAN SERVICES

Implementation Status Report Regarding the Mental Health Services System for Children, Youth, and their Families, pursuant to Iowa Code section 225C.54(5). Report received on February 7, 2012.

Medicaid Cost Containment Strategies Quarterly Report, pursuant to 2011 Iowa Acts, [HF 649](#), section 10. Report received on February 7, 2012.

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Timothy William Greene, Audubon—For receiving the 2011 Neal Smith Entrepreneur of the Year Award. Senators Dotzler and Boettger (2/7/12).

Marty Guthmiller, Orange City—For being selected for the Iowa Volunteer Hall of Fame. Senator Feenstra (2/7/12).

Wendy Wright, Sioux City—For receiving the 2011 Deb Dalziel Woman Entrepreneur Achievement Award. Senators Dotzler and Anderson (2/7/12).

### REPORTS OF COMMITTEE MEETINGS

#### ECONOMIC GROWTH/REBUILD IOWA

**Convened:** Tuesday, February 7, 2012, 2:05 p.m.

**Members Present:** Sodders, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bowman, Chelgren, Danielson, Hatch, Horn, Mathis, Rielly, Ward, Whitver, and Wilhelm.

**Members Absent:** Bertrand (excused).

**Committee Business:** Presentation by the Iowa Finance Authority.

**Adjourned:** 2:50 p.m.

**EDUCATION**

**Convened:** Monday, February 6, 2012, 2:25 p.m.

**Members Present:** Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Hogg, Johnson, Smith, and Wilhelm.

**Members Absent:** Feenstra and Soddors (both excused).

**Committee Business:** Presentations by the Iowa Testing Program and the Iowa Test of Basic Skills.

**Adjourned:** 3:20 p.m.

**JUDICIARY**

**Convened:** Tuesday, February 7, 2012, 3:05 p.m.

**Members Present:** Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Sorenson, Ward, and Whitver.

**Members Absent:** Quirnbach and Soddors (both excused).

**Committee Business:** Presentation by Results First.

**Adjourned:** 3:45 p.m.

**NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** Tuesday, February 7, 2012, 2:00 p.m.

**Members Present:** Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Bolkcom, Ernst, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

**Members Absent:** None.

**Committee Business:** Passed [SF 2068](#). Approved [SSB 3051](#) as amended. Presentation by the Department of Natural Resources.

**Adjourned:** 2:55 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** Tuesday, February 7, 2012, 10:05 a.m.

**Members Present:** Dotzler, Chair; Seng, Vice Chair; Boettger, Ranking Member; and Mathis.

**Members Absent:** Bertrand (excused).

**Committee Business:** Presentation by Iowa Workforce Development.

**Adjourned:** 11:35 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** Tuesday, February 7, 2012, 10:10 a.m.

**Members Present:** Schoenjahn, Chair; Quirmbach, Vice Chair; Dix, Ranking Member; and Horn.

**Members Absent:** Hamerlinck (excused).

**Committee Business:** Budget discussion.

**Adjourned:** 10:20 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** Tuesday, February 7, 2012, 10:00 a.m.

**Members Present:** Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolcom.

**Members Absent:** None.

**Committee Business:** Presentation by the Iowa Medicaid Enterprise.

**Adjourned:** 11:25 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** Tuesday, February 7, 2012, 10:10 a.m.

**Members Present:** Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

**Members Absent:** None.

**Committee Business:** Presentations by Results First and the Department of Human Rights.

**Adjourned:** 11:30 a.m.

**INTRODUCTION OF RESOLUTION**

[Senate Concurrent Resolution 101](#), by Whitver, Chelgren, Smith, Anderson, Bertrand, Feenstra, Sorenson, Kapucian, Greiner, Bartz, Bacon, Boettger, Zaun, Behn, Seymour, Houser, Kettering, Hamerlinck, Ernst, McKinley, Dix, Johnson, Ward, and Hahn, a concurrent resolution urging the members of the Congress of the United States to propose a balanced budget amendment to the

Constitution of the United States for submission to the states for ratification.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

#### INTRODUCTION OF BILLS

[Senate File 2132](#), by Whitver, a bill for an act relating to the mandatory retirement age of an associate juvenile judge or associate probate judge and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Judiciary**.

[Senate File 2133](#), by Whitver, a bill for an act providing an exclusion from the computation of net income for the individual state income tax of qualifying gains receiving capital treatment and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 2134](#), by Seng, a bill for an act making an appropriation for tourism marketing and promotion to the economic development authority.

Read first time under Rule 28 and referred to committee on **Appropriations**.

[Senate File 2135](#), by Danielson, a bill for an act relating to transportation management services under the medical assistance program.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 2136](#), by Danielson, a bill for an act relating to consideration of a minor's wishes in determining custody.

Read first time under Rule 28 and referred to committee on **Judiciary**.



[Senate File 2137](#), by Seng, a bill for an act relating to certain property taxes for joint county-city buildings and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Local Government**.

[Senate File 2138](#), by committee on Veterans Affairs, a bill for an act making appropriations to the commission of veterans affairs for the provision of veterans services, and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 2139](#), by Hatch, a bill for an act relating to economic development by creating rural opportunity zones, a student loan repayment program and fund, an individual income tax credit, and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

[Senate File 2140](#), by Chelgren, a bill for an act relating to Iowa's urban renewal law by modifying provisions relating to the duration of urban renewal areas and ordinances providing for a division of revenue, requiring voter approval for ordinances establishing a division of revenue, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 2141](#), by Horn, a bill for an act relating to the operation of motorboats on artificial lakes in the state, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

## STUDY BILLS RECEIVED

**SSB 3132**      **Judiciary**

Relating to civil actions relating to real estate, including mortgage foreclosure actions.

**SSB 3133**      **Judiciary**

Providing for notarial acts and including effective date provisions.

**SSB 3134**      **Judiciary**

Relating to nonsubstantive Code corrections and including effective date provisions.

**SSB 3135**      **Judiciary**

Relating to civil law and practice including certain insurance and liability provisions and privacy rights.

**SSB 3136**      **Human Resources**

Relating to terminology changes in Iowa Code references to mental retardation.

**SSB 3137**      **Human Resources**

Relating to persons with mental health illnesses and substance-related disorders.

**SSB 3138**      **Local Government**

Relating to the powers and duties of county treasurers related to real property by modifying provisions for the payment of taxes and assessments in installments, modifying provisions providing for the apportionment of installment payments on delinquent taxes, modifying certain tax payment provisions following a tax sale, and specifying procedures for the payment of certain prorated taxes and assessments following a real estate transaction.

**SSB 3139      Education**

Relating to the elimination of the college student aid commission, the establishment of a college student aid council, and transferring the commission's duties and responsibilities to the state board of education, the state board of regents, and the department of education; making appropriations; providing for related matters; and including effective date provisions.

**SSB 3140      Agriculture**

Revising provisions affecting the administration of the department of agriculture and land stewardship, including associated regulations and licensing, as it relates to biofuels, weather and market information, internet publications, soil and water conservation, feed, vaccinations, tuberculosis, brucellosis, classical swine fever, John's disease, treatment for sheep, branding, manufactured articles, grain, pesticides, coal mining, and weights and measures, making penalties applicable, and including applicability provisions.

**SSB 3141      Transportation**

Relating to funding for Iowa roads, including by increasing the excise tax on motor fuel and special fuel used in motor vehicles, providing for the use of certain revenues, providing for related studies, evaluations, and reports, and including effective date provisions.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2052**

APPROPRIATIONS: Hatch, Chair; Danielson and Kettering

**Senate File 2073**

AGRICULTURE: Seng, Chair; Black and Johnson

**Senate File 2116**

STATE GOVERNMENT: Danielson, Chair; Dix and Jochum

**Senate File 2132**

JUDICIARY: Fraise, Chair; Dvorsky and Whitver

[Senate File 2135](#)

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Whitver

[Senate File 2136](#)

JUDICIARY: Fraise, Chair; Dvorsky and Ward

[SSB 3132](#)

JUDICIARY: Horn, Chair; Hogg and Sorenson

[SSB 3133](#)

JUDICIARY: Jochum, Chair; Dix and Quirmbach

[SSB 3134](#)

JUDICIARY: Whitver, Chair; Hancock and Hogg

[SSB 3135](#)

JUDICIARY: Hogg, Chair; Jochum and Sorenson

[SSB 3136](#)

HUMAN RESOURCES: Hatch, Chair; Boettger, Bolkcom, Ragan, and Seymour

[SSB 3137](#)

HUMAN RESOURCES: Hatch, Chair; Boettger, Bolkcom, Ragan, and Seymour

[SSB 3138](#)

LOCAL GOVERNMENT: Bowman, Chair; Beall and Ernst

[SSB 3139](#)

EDUCATION: Quirmbach, Chair; Beall and Feenstra

[SSB 3140](#)

AGRICULTURE: Rielly, Chair; Hahn and Hancock

[SSB 3141](#)

TRANSPORTATION: Rielly, Chair; McCoy and Kapucian

## FINAL COMMITTEE REPORTS OF BILL ACTION

### NATURAL RESOURCES AND ENVIRONMENT

**Bill Title:** [SENATE FILE 2068](#), a bill for an act providing for civil damages for the commission of unlawful acts related to bald eagles.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Dearden, Black, Hahn, Bolkcom, Ernst, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### VETERANS AFFAIRS

**Bill Title:** [SENATE FILE 2138 \(SSB 3127\)](#), a bill for an act making appropriations to the commission of veterans affairs for the provision of veterans services, and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Beall, Danielson, Seymour, Bacon, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors. Nays, none. Absent, 1: Black.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

### ECONOMIC GROWTH/REBUILD IOWA

Dawn Ainger – Economic Development Authority  
David Bernstein – Economic Development Authority  
John Lisle – Economic Development Authority

Adam Feiges– Iowa Great Places Board  
Nick Glew – Iowa Great Places Board  
Gerald Schnepf – Iowa Great Places Board

### NATURAL RESOURCES AND ENVIRONMENT

Randy Olson – Renewable Fuel Infrastructure Board  
Maddison Sieck – Renewable Fuel Infrastructure Board

**STATE GOVERNMENT**

Rhonda Reif – Board of Massage Therapy

Dana McCarthy – Board of Social Work

Neil Nelsen – Board of Social Work

**GOVERNOR'S APPOINTEE PLACED ON  
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

**ECONOMIC GROWTH/REBUILD IOWA**

Debi Durham – Director of the Economic Development Authority

**WITHDRAWAL OF  
GOVERNOR'S APPOINTEE**

The following letter from the Governor was received in the office of the Secretary of the Senate on February 7, 2012:

I am writing to withdraw the nomination of Deborah Deere from the city of Ottumwa in Wapello County, Iowa for appointment as a member of the Early Childhood Iowa State Board, pursuant to Iowa Code Section 256I.3. Ms. Deere has changed jobs and is no longer eligible to serve on this board.

Sincerely,  
TERRY E. BRANSTAD  
Governor